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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,908	08/25/2000	Lester B. Shupe	1720/USW1720PUS	6969

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 04/17/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/648,908

Applicant(s)

SHUPE ET AL.

Examiner

Stephen M. D'Agosta

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claims 1-2, 4-6 and 8** rejected under 35 U.S.C. 102(e) as being anticipated by Sonti et al. US Patent 6,108,540 (hereafter Sonti).

As per **claim 1**, Sonti teaches a wireless communications system including a Service Location Register, Switching Center and a subscriber (figure 1), a method of automatically updating the Switching Center with a change in the subscriber's profile comprising:

Receiving an update at a database regarding a change in the subscriber's profile

Initiating a stored procedure in the database to generate a request to the Service Location Register to send a profile update to the Switching Center for the subscriber (C8, L25-67, specifically L57-60 which states that the HLR sends any/all valid profile updates to the MSC without MSC intervention).

As per **claim 2**, Sonti teaches and HLR (C8, L57-60).

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As per **claim 4**, Sonti teaches an MSC (C8, L57-60).

As per **claim 5**, Sonti teaches a wireless communication system including an HLR, MSC and a plurality of subscribers (figure 1), a method of automatically updating the MSC with a change in the subscriber profile, comprising

Receiving an update at a database regarding a change in the subscriber profile

Initiating a stored procedure in a database to generate a request to the HLR to send a Qualification Directive (QUALDIR) to the MSC for the subscriber,

Sending the QUALDIR message to the MSC. (C8, L25-67, specifically L57-60 which states that the HLR sends any/all valid profile updates to the MSC without MSC intervention AND figure 7 shows a QUALDIR message w/profile between the MSC and HLR).

As per **claim 6**, Sonti teaches a wireless system including a Service Location Register (SLR), Switching Center and a subscriber (figure 1), a system for automatically updating the Switching Center with a change in the subscriber's profile, comprising;

A database in communication with the SLR, the database operative to receive an update regarding a change in the subscriber's profile and initiate a stored procedure to generate a request the SLR to send a profile to the Switching Center (C8, L25-67, specifically L57-60 which states that the HLR sends any/all valid profile updates to the MSC without MSC intervention).

As per **claim 8**, Sonti teaches an MSC (C8, L57-60).

As per **claim 10**, Sonti teaches claim 6 wherein the request generated by the database is a QUALDIR message (figure 7 shows a QUALDIR message w/profile between the MSC and HLR).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3 and 7** rejected under 35 U.S.C. 103(a) as being unpatentable over Sonti in view of Gillespie US Patent 6,256,379 (hereafter Gillespie).

As per **claim 3**, Sonti teaches claim 1 and service registers **but is silent on a WSLR**.

Gillespie teaches messages being sent to a service location register, which may be a Wireless Service Location Register (C5, L3-6).

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti, such that a WSLR is used, so that a WSLR can be used instead of (or in place) of a generic Service Location Register.

As per **claim 7**, Sonti teaches claim 6 and service registers **but is silent on a WSLR**.

Gillespie teaches messages being sent to a service location register, which may be a Wireless Service Location Register (C5, L3-6).

It would have been obvious to one skilled in the art at the time of the invention to modify Sonti, such that a WSLR is used, so that a WSLR can be used instead of (or in place) of a generic Service Location Register.

As per **claim 9**, Sonti teaches claim 6 **but is silent on a Sybase database**.

The examiner interprets the MSC, HLR and/or VLR as hardware devices which contain database software to perform various functions and hence, the examiner takes **official notice** that commercially available database software used would include Sybase, Oracle, SQL Server, etc..

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**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:


1. Foti US Patent 5,913,165 teaches change of subscriber features.
2. Chelliah US Patent 5,915,220 teaches maintaining profile information.
3. Lupien US Patent 5,857,153 teaches seamless interoperability.
4. Thibert et al. US Patent 6,397,058 teaches RIS in wireless network.
5. Altine US Patent 5,274,802 teaches updating of databases.
6. Lamb US Patent 6,112,079 teaches fraud protection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD  
April 14, 2003

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600